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C O N F I D E N T I A L SECTION 01 OF 02 MINSK 001307

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TAGS: PGOV PHUM PREL BO

SUBJECT: COURT UPHOLDS FIRING OF ELECTION MONITORING  
PROFESSOR

REF: MINSK 1166

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Classified By: Charge Jonathan Moore for reason 1.4 (d).

Summary

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¶11. (C) A Minsk court recently upheld a university's decision to fire a professor who had served as an independent election observer during Belarus' fraudulent March 2006 presidential elections. The university's case against reinstatement rested upon hearsay witnesses and threats of criminal investigations by prosecutors who closely monitored this ostensibly civil case. The court decision provides yet another sad example of the suppression of dissent in Belarus.

End summary.

Civil Court Threatens Criminal Proceedings

¶12. (U) On March 23, the state-controlled Belarusian Pedagogical University fired Eastern Slavic and Russian History Lecturer Yuriy Bacheshche for alleged "immoral behavior." The university rector accused Bacheshche of distributing video-computer discs with cartoon images that violated Belarus' law against defaming President Lukashenko. The accusation followed Bacheshche's refusal to turn over notes from his service as an independent, non-partisan observer in Minsk's Moskovskiy District during Belarus' fraudulent March 19 presidential elections. Bacheshche filed a civil suit for reinstatement in Moskovskiy District Court against the university on April 19.

¶13. (U) Judge Vladimir Nikolayev suspended Bacheshche's hearing on May 16 after the university failed to provide the discs in question, but informed Bacheshche that he would possibly face criminal prosecution if the university proved its allegations. At a follow up hearing on June 1, despite the university's continued lack of evidence against Bacheshche, Judge Nikolayev "invited" a criminal prosecutor to monitor the proceedings and suspended the trial so that the prosecutor could conduct a separate investigation.

Authorities Pile On Dubious Witnesses and Allegations

¶14. (U) When Bacheshche's case resumed on December 12, the university finally submitted the discs to the court and offered two students as material witnesses. Contrary to an affidavit in which he ostensibly named Bacheshche as the source of the discs, the first student, Sergey Kapytko, testified that he had not received the discs from the

professor. The second, Andrey Grishkevich, insisted that he had received the discs from Kapytko and that Kapytko had articulated that he had gotten them from Bacheshche.

¶ 15. (U) Seeming to recognize the tenuousness of its case, the university then called Bacheshche's department head Andrey Zhytko to testify that Bacheshche, a friend and supporter of imprisoned youth opposition leader Dmitriy Dashkevich (reftel), had a reputation of encouraging opposition political activism among his students. After agreeing to read into the trial record a petition signed by 146 of Bacheshche's students who disputed the allegations of political proselytizing, Judge Nikolayev voiced his doubts about the authenticity of the signatures and permitted the university's human resources director, Valeriy Alayamkov, and another department head, Gennadiy Kosmich, to echo Zhytko's hearsay testimony.

#### A Not So Surprising Verdict

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¶ 16. (C) On December 20, Judge Nikolayev upheld the university's dismissal of Bacheshche. Despite expressing doubts about the veracity of the university's witnesses on the previous day, the prosecutor articulated his confidence in the university's case and abruptly exited the courtroom, leaving unanswered the question of future criminal proceedings. As Nikolayev prepared to leave, Bacheshche quietly but sternly admonished the judge, "You had an opportunity to correct an injustice. You missed that opportunity." Holding back tears, Bacheshche's wife lamented to Poloff that the court's decision took away their family's only income. Nevertheless, she and her husband expressed their deep gratitude for the Embassy's presence during this family tragedy.

#### Comment

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¶ 17. (C) Bacheshche's case typifies the GOB's tactics of judicial repression, which invariably involve dubious witnesses and hearsay evidence directed against independent political thinkers. His firing and the subsequent legal proceedings are just the most recent example of the repression of the Belarusian regime.  
Moore